

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RUSSELL ZINTER; ET AL.

§

Plaintiffs,

§

v.

CIVIL NO. SA-18-CA-680-FB

CHIEF JOSEPH SALVAGGIO; ET AL.

§

Defendants.

§

AFFIDAVIT OF JOSEPH SALVAGGIO

STATE OF TEXAS

§

COUNTY OF BEXAR

§

Before me, the undersigned notary, on this day personally appeared Joseph Salvaggio, a person whose identity is known to me. After being by me duly cautioned to tell the truth, subject to the penalties for perjury, he did affirm and testify as follows:

“My name is Joseph Salvaggio. I am over the age of eighteen (18) years, am of sound mind, and am fully capable of making this affidavit. I am personally familiar with facts recited below, which are true and correct.

Currently, I hold the position of Chief of Police for the City of Leon Valley (“City”) Police Department. I have held the position of Chief of Police since September 15, 2016. I have personal knowledge of the lawsuit referenced above filed against the City based upon the incidents occurring on June 14 and 23, 2018.

On June 14, 2018, Plaintiff, Mark Brown was arrested for interference with the duties of a public servant and resisting arrest. Mr. Brown was operating a rental vehicle which was parked at a local business. We notified the management of the local business of the vehicle being parked in their parking lot and they asked that it be removed. The vehicle was towed as a private tow to the City of Leon Valley’s Impoundment lot located at 6429 Evers Rd., Leon Valley, Texas. Mark Brown was advised of the rental vehicle being towed and informed our department that his wife could come get the vehicle. The property inside the vehicle was placed into our property room as personal property. After four days we sent a notice to the registered owner Hertz and the registered lienholder BYN

Mellon trust Company. The Hertz Company sent Gerber National Claim Services (G&S Towing Company) to pick up the vehicle on 06-29-18. The Leon Valley Police Department never took articles of clothing out of the vehicle. The Leon Valley Police Department was ready to release the rental vehicle to Mark Brown, his wife, or Hertz the day of the arrest up until the vehicle was picked up by Hertz on 06-29-18. To my knowledge, Mr. Brown was in front of City Hall at least a couple of times prior to 06-29-18 and never spoke with anyone with the Leon Valley Police Department about the rental vehicle or missing clothes.

I have reviewed the documents regarding the vehicle rented by Mark Brown and the disposition of said vehicle attached herein as **Attachment 1**.

I have reviewed the Incident Report, dated June 14, 2018 attached herein as **Attachment 2**.

In my capacity as Chief of Police, I serve as a Custodian of Records for the City of Leon Valley Police Department. Of those records, attached hereto is a true and correct copy of twenty-one (21) pages of documents reflecting:

Attachment 1: Documents regarding the vehicle rented by Mark Brown and the disposition of said vehicle.

Attachment 2: Incident Report No. 2018-03857, authored by Investigator/Officer Johnny Vasquez, regarding the arrest of Mark Brown on or about June 14, 2018.

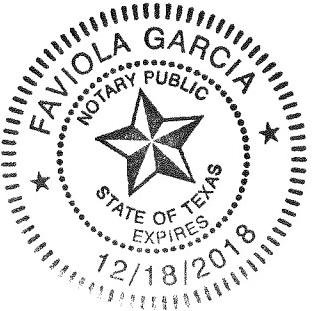
The attached documents are kept by my department in the regular course of business, and it was in the regular course of business and activity of the City of Leon Valley for an employee of City, with knowledge of the act and contains information transmitted by the person with knowledge of the matters of the event, condition, opinion, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the occurrence of the matters set forth in the documents and was made by the regularly conducted activity as a usual practice for the City. The records attached are exact duplicates of the originals with the exception of the digital footage which has been edited to limit the footage to the incident depicted, which is true and correct.

Further Affiant sayeth not.



JOSEPH SALVAGGIO
POLICE CHIEF

SUBSCRIBED AND SWORN TO BEFORE ME on this 28 day of September, 2018,
to certify which witness my hand and official seal.



Faviola Garcia
NOTARY PUBLIC, STATE OF TEXAS

TAG#: _____ CASE#: 201803857

**LEON VALLEY POLICE DEPARTMENT
DISCLAIMER NOTICE**

I, Apolonio Bermudiz, hereby state that I am accepting my vehicle (Make: Ford, Model: Taurus, License Plate: CF 145431) and its entire contents from the Leon Valley Police Department Impound lot located at 6429 Evers Rd, Leon Valley, Texas.

I am further stating that I have inspected my vehicle and accepting full responsibility for the condition that it is now and was prior to being towed to the Leon Valley Police Department impound lot. I hereby release the Leon Valley Police Department from any present or future claims regarding the above-mentioned vehicle.

Apolonio Bermudez
Signature

6-29-18

Date

**Exhibit
B1**

TDLR License # 005024709C

VSF 0642349

19940

BANIS TOWING SERVICE

6213 Grissom Rd., #606

SAN ANTONIO, TEXAS 78238

Phone: 210-647-3994 or 210-647-3995

MAIL: P.O. BOX 681329

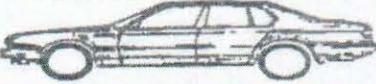
SAN ANTONIO, TX 78268-1329

46533

Mileage	Labor/Srv Time	Extra Person	Date 6-14-18 Time <input type="checkbox"/> AM Requested By <input type="checkbox"/> PM LUPA Phone			
Finish	Finish	Finish	Name			
Start	Start	Start	Address Suite/Apt. #			
Total	Total	Total	City State Zip			
Location of Vehicle 6635 Bandera						
Year, Make, Model Ford Taurus						
Doors	Color	State	License Plate # AZ CFK5431			
VIN # 1FAHP2F84JG109664						

DESCRIPTION OF WORK (Must Be Exact Name of Service Issued to TDLR for Non-Consent Tows) AMOUNT

Private Property Authorization Property Name:	Agent Name (If any):	Phone #:	Towing PPI
Tow Operator Name Victor Concessos	TDLR Lic. # 28061	Reason for Non-Consent Tow: <input type="checkbox"/> Law Enforcement Accident <input type="checkbox"/> Law Enforcement Arrest <input type="checkbox"/> Law Enforcement No Insurance <input type="checkbox"/> Private Property Impound <input type="checkbox"/> Owner Request	Law Tow 95 00 Mileage Service Time Extra Labor Extra Truck Winching @ \$ Special Equipment
For comments or complaints contact: TEXAS DEPARTMENT OF LICENSING & REGULATIONS P.O. Box 12157 Austin, TX 78711 • 1-800-299-1700 http://www.license.state.tx.us/complaints or email towing@license.state.tx.us		Law Enforcement Authorizing Tow: Agency LUPA Impound Sheet # Officer Name Salvaggi	Air Bags 5th Wheel Trailer Clean Up Impound Fee Storage Fee Notification Fee
RO #			
PO #			

CONDITION OF VEHICLE   	Extreme Damages: <input type="checkbox"/> Burn <input type="checkbox"/> Water <input type="checkbox"/> Rollover 1 - Minor 2 - Moderate 3 - Major	Law Enforcement Authorizing Tow: Agency LUPA Impound Sheet # Officer Name Salvaggi Type of PPI and Statute: <input type="checkbox"/> Fire Lane <input type="checkbox"/> Tow Zone <input type="checkbox"/> Handicap <input type="checkbox"/> Blocking Access <input type="checkbox"/> Other: _____ Statute: _____	Air Bags 5th Wheel Trailer Clean Up Impound Fee Storage Fee Notification Fee
--	--	--	--

Vehicle Towed To: LUPA impound Lot	City	Sub Total
Second Tow Location:	State, Zip	Sales Tax
	City	
	State, Zip	TOTAL 95 00

Photographs Taken Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Keys Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Keys Received by:	METHOD OF PAYMENT		
Special Equipment: <input type="checkbox"/> Dollies <input type="checkbox"/> Sling/Hoist <input type="checkbox"/> Go-Jaks <input type="checkbox"/> Wheel Lift <input type="checkbox"/> Flatbed <input type="checkbox"/> Snatch Block			<input type="checkbox"/> Cash	<input type="checkbox"/> Check	DL# _____ State _____
			<input type="checkbox"/> VISA	<input type="checkbox"/> MasterCard	AMERICAN EXPRESS Exp. Date _____
			Credit Card # _____ CVC# _____		

Damage and Personal Property Release: Banis Towing Service is not responsible for damages noted above, any personal property left in vehicle, or vehicle after delivery to any location.	NSF on Payments Made: I understand that if there is a check returned for NSF, Closed Account, or a charge back on any credit card for any reason, that I will be assessed a \$30 NSF Fee, and that my vehicle may be subject to repossession under Texas State Law.
I accept all the items listed: CC Authorization #: _____	
Signature: _____	

Impound Lot Fees

Case#	201803857				Fees
Vehicle Description	2018 FORD TAURUS CFK5431				
City Impound Fee					\$ 200.00
Daily Fees					
Impounded		Pickup			
Date	Time	Date	Time	Days	
06/14/2018	0:00	06/29/2018	0:00	15	\$ 300.00
Administration Fees					
DUE CITY 116.4000					
Towing Fees 116.5000					
TOTAL AMOUNT DUE					
\$ 645.00					

CITY OF LEON VALLEY

210-684-1391

REC#: 00661130 6/29/2018 3:11 PM
OPER: FB TERM: 003
REF#:

ACCT #: XXXX-XXXX-XXXX-3189
AUTH #: 010319
TRAN #: 000000661130

TYPE: PURCHASE
APP. NAME: VISA
ENTRY MODE: CHIP
CVM: SIGN

AMOUNT USD\$: 645.00

EMV DETAILS:
AID: A0000000931010
ARC: 00
IAD: 06010A03600000
TSI: 6800
TUR: 8080008000

TRAN: 116.4000 Impound Lot Fees
201803857
Impound Lot Fees 550.00CR

TRAN: 116.5000 Towing Fees Payable
Towing Fees Payable 95.00CR

TENDERED: 645.00 CREDIT CARD
APPLIED: 645.00-

CHANGE: 0.00

G&STOWI-01

MTAVARE

TEXAS LIABILITY INSURANCE CARD

COMPANY PHONE NO. COMPANY COMM. PERSONAL NAMED DRIVER POLICY
American States Insurance Company

POLICY NUMBER 25 CC 374928 40 EFFECTIVE DATE 10/04/2017 EXPIRATION DATE 10/04/2018
YEAR 2004 MAKE Kenworth MODEL T300 VEHICLE IDENTIFICATION NUMBER 2NKMHD7X14M051213

AGENCY Texas-Hub International Transportation
Insurance Services Inc.
12175 Network Blvd.
San Antonio, TX 78249
AGENCY PHONE NO.
(800) 369-9010

NAME AND ADDRESS OF INSURED
Apolonio Bermudez DBA G&S Towing
2547 Waverly Ave.
San Antonio, TX 78228

This policy provides at least the minimum amounts of liability insurance required by the Texas Motor Vehicle Safety Responsibility Act for the specified vehicles and named insureds and may provide coverage for other persons and vehicles as provided by the insurance policy.

WARNING:
A NAMED DRIVER POLICY DOES NOT PROVIDE COVERAGE FOR INDIVIDUALS
RESIDING IN THE INSURED'S HOUSEHOLD THAT ARE NOT NAMED ON THE POLICY.

SPANISH TRANSLATION

TRADUCCION DE ESPANOL

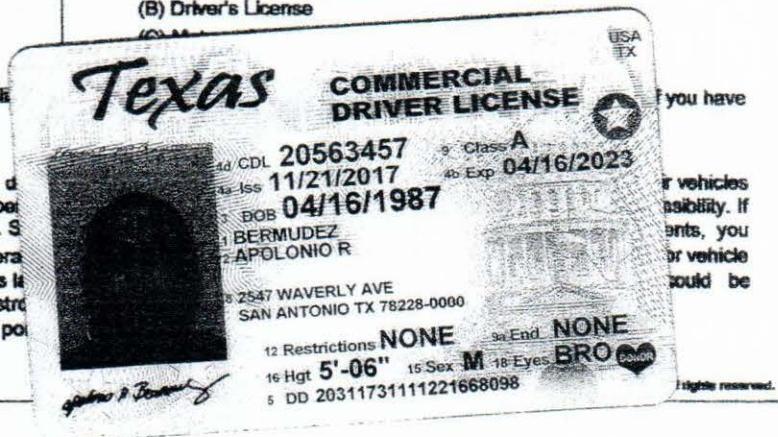
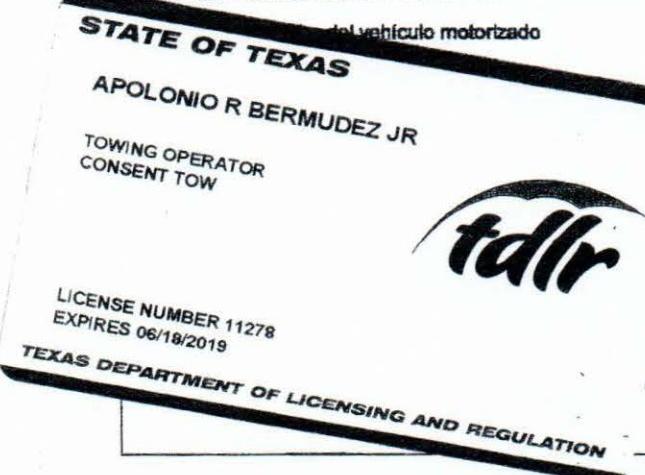
Tarjeta de Seguro de Responsabilidad Civil de Texas
Guarde esta tarjeta.

IMPORTANTE: Usted debe mostrar esta tarjeta o una copia de su póliza de seguro cuando solicite o renueve su:

Texas Liability Insurance Card
Keep this card.

IMPORTANT: You must show this card or a copy of your insurance policy when you apply for or renew your:

- (A) Motor vehicle registration
(B) Driver's License
(C) CDL





Removal and/or Inspection of a Motor Vehicle at a VSF

This Form is Approved by the Texas Department of Licensing and Regulation

Check one of the following boxes:

SECTION ONE

- Box 1:** I am an immediate family member (parent, spouse, brother, sister, or child) of the owner of the vehicle. When selected, this form may be used as the Affidavit of Right of Possession Form.
- Box 2:** I am an authorized representative of the owner of the vehicle.
- Box 3:** I am an authorized representative of an insurance company authorized to conduct business in the State of Texas.

Check the applicable box:

SECTION TWO

- I will *remove* the vehicle;
- I will *inspect* the vehicle.

Describe the motor vehicle and person authorized to inspect or remove the vehicle:

SECTION THREE

Vehicle Year, Make and Model: 2018 FORD TAURUS

VIN or License Plate Number: 1FAHP2F84JG109664

Describe the person removing or inspecting the motor vehicle:

First and Last Name: _____

Company Name (if a representative of a company): G&S TOWING

If a tow truck is used to remove the vehicle, complete the following:

Tow Operator TDLR Lic. No: _____ Tow Truck TDLR No: _____

Complete this section ONLY IF you checked Box 1 or Box 2 in SECTION ONE above:

SECTION FOUR

On this date appeared Bonnie Keri Hertz who upon oath declared that
 I am the owner of the vehicle and authorize the person or company named in this document; [or]
 I am an immediate family member and authorized by the owner
 to remove or inspect the motor vehicle described above.

The authority granted herein is limited to either (i) inspecting the vehicle or (ii) making payment to and removing the described vehicle from Leon Valley Storage (name of the Vehicle Storage Facility).

This Authority to Act shall expire the earlier of three (3) days from its date of execution, or at an earlier date if revoked by me in writing, or when the motor vehicle is returned to my possession.

Signed this 29 day of June, 2018. Signature: Bonnie Keri
 Subscribed and sworn to before me on this 29 day of June, 2018.

JOHN ORTIZ
Official Seal
Notary Public - State of Illinois
My Commission Expires Dec 6, 2020

Notary Signature: _____
 Notary Public, State of IL
 My commission expires: 11/14/20

Complete this section ONLY IF you checked Box 3 in SECTION ONE above:

SECTION FIVE

I am a duly authorized licensed Insurance Adjuster. I work for or represent _____
 (Name of Insurance Company) authorized to conduct business in the State of Texas. My Texas Department of Insurance Adjuster License # is: _____. The claim related to this vehicle settled or, prior to settlement, the vehicle owner expressly authorized its inspection and/or removal.

Signature: _____ Date: _____

Printed Name: _____ Insurance Claim #: _____

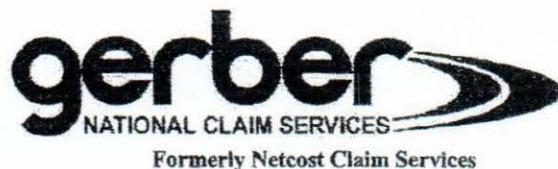
I understand, acknowledge, and agree that by typing my name on this document, my typed name is an electronic signature and this document has the same legally binding consequence as if executed with a traditional signature.

Bill To:

**Gerber National Claim Services
150 Center Court
Schaumburg, IL 60195**

**Phone: 1-844-366-8697
Billing Dept: 1-855-238-3165
Fax: 1-630-823-2013**

Attention:CASSANDRA



Formerly Netcost Claim Services

GERBER NATIONAL CLAIM SERVICES SECONDARY TOW/RELEASE ASSIGNMENT

Claimant Information:

**Policy Number:1765304
Claim Number:200759439
Claimant Name:Leon Valley Impound**

Home Phone:210-684-1391

Work Phone:

Mobile Phone:

Repair Location:

**6400 El Verde Rd
Leon Valley, TX 78238**

Vehicle Location Name:Leon Valley Impound

Travel Direction:

Nearest Intersection:

Driver Will Be Present:

Destination:

**Hertz SA
910 W. Cargo
San Antonio, TX 78216
N/A
210-718-9931**

Vehicle Information:

**Vehicle Year:2018
Vehicle Make:Ford
Vehicle Model:Taurus
Vehicle Style:
License Plate:CFK5431 AZ
Vehicle Color:Gold
VIN:1FAHP2F84JG109664**

Claim Information:

**GNCS Dispatch Number:1597828531
Assigned By:BONNIEK
Assignment Time:6/29/2018 13:43:34
Printed Time:6/29/2018 13:52:01
Date of Loss:06/27/18
Cause of Loss:N/A
Work Authorized:Tow and Impound
Damage Description:AZ/gold FEE:645.00 ON 6/29 OR
705.00 ON 7/2
STOR FEE:20
DOL/STOR:6/14 15
PAY:CASH/CC 5% IN PERSON/CERTIFIED CHECK
DOC:TITLE/HH NOTARIZED
DAMAGE:UNKNOWN
KEYS:YES
HRS:8 TO 4 MON THRU FRI
CONTACT:JOEL**

Tow Limit:0

Deductible:0

Waived:

Service Provider Information:

**G&S TOWING
2547 WAVERLY DR
SAN ANTONIO, TX - Texas 78228**

Phone:210-777-5305 OR 210-887-2712

Fax:

PLEASE FAX YOUR INVOICE UPON COMPLETION TO GNCS AT: 630-823-2013. Payment will not be made without current W-9 on file.

Notes:

Tow vendors must leave a copy of the work assignment inside the vehicle upon delivery. DO NOT leave a copy of the invoice.
PLEASE SEND COPY OF IMPOUND INVOICE TO HERTZSTATUS@GERBERNCS.COM OR FAX TO ATTN: LORNA
THOMPSON AT 630 823 2013.

115.50 TOW/ 705 PAYOUT ON 7/2/ 25 COURIER FOR CERTIFIED CHECK/ 84.55 10% CC FEE

Comdata MC Information:
Credit Card Number: 5567660477334002
Expiration Date: 818
CVC2 Number: 800
Auth Amount: 930.05

MARK BROWN
AZTUC24 0053224 2605 #01 EST

VEHICLE 02194 / 1765304 18 SIR TAUR 3.5 5N
LIC AZ CFK5431 CLS G MILES OUT 5176 FUEL OUT 8/8
SAT RADIO Y TK CAP 19.0 STALL

ESTIMATE OF CHARGES

RENTED: 06/09/18 10:48 @ TUCSON INTL AIRPORT
RETURN: 06/22/18 10:30 @ TUCSON INTL AIRPORT

THIS IS ONLY AN ESTIMATE. Taxable charges are denoted by a T, and additional details about some charges appear beneath the table. Our estimates of Your total charges appear on the right of the table below. Our estimates assume (1) You will rent and return the vehicle at the times and places indicated, (2) if a mileage charge applies, You will drive no more than the distance indicated and (3) You will not incur any charges that either are listed below opposite **** or cannot be calculated until return. If any of these assumptions is incorrect, additional charges or charges at higher rates may apply.

CHARGE RATE / AMOUNT	CHARGE ESTIMATE
TIME / MILEAGE CHGS: RATE PLAN - RCHW8	CLASS - F
Rental Rate*	1 @ \$ 159.63 per wk T \$ 159.63
	6 @ \$ 21.99 ex day T \$ 131.94

*Includes Unlimited Miles

Additional Products

Fuel Responsibility Starting Level (FULL 8/8)

You agree to replace fuel used or pay a refueling charge of
\$ 9.99 per gallon OR \$.555 per mile driven.

Service Charges/Taxes

CONCESSION FEE RECOVERY	11.11% T \$ 32.56
CTYCHG/CF+TX	8.50
ENERGY SURCHARGE	T \$ 1.49
Tax 11.100% On Est. Taxable Ttl \$	325.62 \$ 36.14
ADJUSTMENTS	

TOTAL ESTIMATED CHARGE \$ 370.26

DOLLAR RENT A CAR

Rental Record# 596767485

MARK BROWN

Vehicle: 2018 TAURUS
License: AZ CFK5431

Lot:
Rental Rate* 1 @ \$ 159.63 per wk T \$ 159.63
6 @ \$ 21.99 ex day T \$ 131.94

*Includes Unlimited Miles

Additional Products

Frequent Flyer Surcharge T \$.00
Fuel Responsibility Starting Level (FULL 8/8)

You agree to replace fuel used or pay a refueling charge of
\$ 9.99 per gallon OR \$.555 per mile driven.

Service Charges/Taxes

CONCESSION FEE RECOVERY	11.11% T \$ 32.56
CTYCHG/CF+TX	8.50
ENERGY SURCHARGE	T \$ 1.49
Tax 11.100% On Est. Taxable Ttl \$	325.62 \$ 36.14
ADJUSTMENTS	

TOTAL ESTIMATED CHARGE \$ 370.26

Credit Card Authorization Amount \$ 426.00

Rented By Dollar Rent A Car, Inc.

Vehicle: 02194 / 1765304 LocNum: AZTUC24 / 0053224

Miles Out: 5176 Plan: RCHW8 Class: F

Rental Location: TUCSON INTL AIRPORT

Rental Time: 06/09/18 at 10:48 AM

Return Location: TUCSON INTL AIRPORT

Return Time: 06/22/18 at 10:30 AM

Rental Extensions/Changes or
Emergency Road Service 1-866-434-2226

This estimate assumes you will rent and return at the locations and times indicated, and that you will not exceed any mileage limitations.
Rental Rate subject to increase if You return Car more than 24 hours before or 24 hours after scheduled Return Time. Late returns may be subject to extra hour and/or extra day charges.

Charges indicated as *** will be calculated at return.

Taxable charges are preceded by a "T".

596767485 PG 1 OF 7 #01 RT

CC AUTH WOULD BE \$ 426.00

DOLLAR
RENT A CARMARK BROWN
AZTUC24 0053224 2605 #01 ESTVEHICLE 02194 / 1765304 18 SIR TAUR 3.5 5N
LIC AZ CFK5431 CLS G MILES OUT 5176 FUEL OUT 8/8
SAT RADIO Y TK CAP 19.0 STALL**ESTIMATE OF CHARGES**RENTED: 06/09/18 10:48 @ TUCSON INTL AIRPORT
RETURN: 06/22/18 10:30 @ TUCSON INTL AIRPORT

THIS IS ONLY AN ESTIMATE. Taxable charges are denoted by a T, and additional details about some charges appear beneath the table. Our estimates of Your total charges appear on the right of the table below. Our estimates assume (1) You will rent and return the vehicle at the times and places indicated, (2) if a mileage charge applies, You will drive no more than the distance indicated and (3) You will not incur any charges that either are listed below opposite *** or cannot be calculated until return. If any of these assumptions is incorrect, additional charges or charges at higher rates may apply.

CHARGE RATE / AMOUNT	CHARGE ESTIMATE
TIME / MILEAGE CHGS: RATE PLAN - RCHW8	CLASS - F
Rental Rate*	1 @ \$ 159.63 per wk T \$ 159.63 6 @ \$ 21.99 ex day T \$ 131.94

*Includes Unlimited Miles
Additional Products
Fuel Responsibility Starting Level (FULL 8/8)
You agree to replace fuel used or pay a refueling charge of
\$ 9.99 per gallon OR \$.555 per mile driven.
Service Charges/Taxes
CONCESSION FEE RECOVERY 11.11% T \$ 32.56
CTYCHG/CF+TX 8.50
ENERGY SURCHARGE T \$ 1.49
Tax 11.100% On Est. Taxable Ttl \$ 325.62 \$ 36.14
ADJUSTMENTS

TOTAL ESTIMATED CHARGE \$ 370.26

MARK BROWN

Vehicle: 2018 T/

Lot:

License: AZ CFI

Rental Rate*

1 @ \$ 159.63 per wk
6 @ \$ 21.99 ex day

*Includes Unlimited Miles

Additional Products**Frequent Flyer Surcharge****Fuel Responsibility**

Starting

You agree to replace fuel used or pay a refueling charge of
\$ 9.99 per gallon OR \$.555 per mile driven.**Service Charges/Taxes**

CONCESSION FEE RECOVERY

11.11%

CTYCHG/CF+TX

ENERGY SURCHARGE

Tax 11.100% On Est. Taxable Ttl \$ 325.62

325.62

ADJUSTMENTS

TOTAL ESTIMATED CHARGE

Credit Card Authorization Amount \$ 426.00
Rented By Dollar Rent A Car, Inc.
 Vehicle: 02194 / 1765304 LocNum: AZTUC24
 Miles Out: 5176 Plan: RCHW8
 Rental Location: TUCSON INTL AIRPORT
 Rental Time: 06/09/18 at 10:48 AM
 Return Location: TUCSON INTL AIRPORT
 Return Time: 06/22/18 at 10:30 AM

Rental Extensions/Changes or
Emergency Road Service 1-866-434

This estimate assumes you will rent and return at the location indicated, and that you will not exceed any mileage limit. Rental Rate subject to increase if You return Car more than 24 hours after scheduled Return Time. Late returns may incur extra hour and/or extra day charges. Charges indicated as *** will be calculated at return. Taxable charges are preceded by a "T".

596767485

PG 1

CC AUTH WOULD BE \$ 426.00

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Plaintiff's motion for preliminary injunction

Plaintiff's Motion for Preliminary Injunction
Plaintiff's Motion for Preliminary Injunction
Plaintiff's Motion for Preliminary Injunction

Plaintiff's Motion for Preliminary Injunction

Plaintiff's Motion for Preliminary Injunction
Plaintiff's Motion for Preliminary Injunction

Plaintiff's Motion for Preliminary Injunction
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Plaintiff's Motion for Preliminary Injunction
Plaintiff's Motion for Preliminary Injunction

Plaintiff's Motion for Preliminary Injunction
Plaintiff's Motion for Preliminary Injunction

City of Leon Valley Police Department Impound Facility

6400 El Verde
Leon Valley, Texas 78238
(210) 684-3215 Fax: (210) 684-6988

FIRST NOTICE

DATE: 06/18/2018

Last known registered owner: HERTZ VEHICLES LLC CUST#131938560

Address: 1711E. BUCKEYE RD, PHOENIX, AZ 85034-4202

Registered lien holder: BNY MELLON TRUST CO

Address: 26933 NORTHWESTERN HWY ST, SOUTHFIELD MI, 48033-4701

Impound Date: 06/14/2018 Tag: JVR0760 A

Make: FORD **Model:** TAURU **Vin:** 1FAH

Impound Date: 06/14/2018		Tag: JVR0760 A
<p>Make: FORD Model: TAURU Vin: 1FAH</p> <p>Southfield, MI 48033-4701</p> <p>26933 Northwest Hwy St</p> <p>Leon Valley Po, Leon Valley, Tex</p> <p>hours of 8:00 AM</p> <p>covers the first 24</p> <p>ate of \$20.00 per da</p> <p>n accruing on <u>06/14</u></p>		
<p>PS Form 3811, July 2015 PSN 7550-02-000-9053</p> <p>For delivery information, visit our website at www.usps.com</p> <p>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only</p> <p>OFFICIAL USE</p> <p>Certified Mail Fee: \$ Extra Services & Fees (check box, add fee as applicable) <input type="checkbox"/> Return Receipt (Handcopy) \$ <input type="checkbox"/> Certified Mail Restricted Delivery \$ <input type="checkbox"/> Adult Signature Required \$ <input type="checkbox"/> Adult Signature Restricted Delivery \$ Postage: \$ Total Postage and Fees \$</p> <p>Sent To B&W Mellon Trust Co Street and Apt. No., or P.O. Box No. 26933 Northwest Hwy St City, State, Zip Southfield, MI 48033-4701</p> <p>A. Signature  B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>COMPLETE THIS SECTION ON DELIVERY</p> <p>REVERSE SIDE FOR INSTRUCTIONS</p>		

Jimmie Wells

From: j.vasquez@leonvalleytexas.gov
Sent: Thursday, June 14, 2018 4:24 PM
To: j.wells@leonvalleytexas.gov
Cc: j.vasquez@leonvalleytexas.gov

SDX1.86280.JVR0760. 79522624 RR.AZ007C000.SDX1.*228974. TXT RR.AZ007C000 14:22 06/14/2018 40618 14:22
06/14/2018 93312 TX01510Z1 *228974 TXT LIC/CFK5431.LIY/2018.LIT/PC. LIC:CFK5431 001 TAB:CFK5431 EXPIRE:
06/30/2018 VIN:1FAHP2F84JG109664 VYR:2018 VMA:FORD VMO:TAURU VST:4DSD NAM:HERTZ VEHICLES LLC
CUST#:131938560 ADR:1711 E BUCKEYE RD CTY:PHOENIX ST:AZ ZIP:850344202 GVW:008000
TTL:AJ75018040051 ST:AZ DTE: 02/12/2018 1ST LIEN:BNY MELLON TRUST CO NA AMT: DATE: 02/08/2018
ADDR:26933 NORTHWESTERN HWY ST CTY:SOUTHFIELD ST:MI ZIP: 480334701 NO PRIOR PLATES. MRI:
79522624 IN: NLET 168109 AT 14JUN2018 16:22:35 OUT: SDX1 20643 AT 14JUN2018 16:22:35

[] [insert comment] [submit]



Incident Report

LEON VALLEY POLICE DEPARTMENT

CFS #201803857

Incident #201803857

Administrative:

Date Reported: 06/14/2018 CFS#: 201803857
 Location Address: **6400 EL VERDE RD**
 City: LEON VALLEY State: TX Zip: 78238 District: 3 Beat: Grid:
 Location: **LEON VALLEY POLICE DEPARTMENT**
 Occurrence From: 06/14/2018 @ 13:45 To: @ Day of Week: THU
 Status Date: 06/14/2018 Status: CLEARED BY ADULT ARREST
 Type: 48 Description: OTHER OFFENSE / INCIDENT

Reportee: **RAYNES, RENE** Address: 6400 EL VERDE
 Race: W Sex: F LEON VALLEY, TX 78238
 DOB: Offense Age: Home Phone: (210)684-1391 Work Phone:
 Current Age: Mobile Phone:

Source of Call:	Time Received:	Time Dispatched:	Time Arrived:	Time Cleared:
Reporting Officer 1 ID: 1176	Name: VASQUEZ #552			
Reporting Officer 2 ID:	Name:			
Investigating Officer ID: 1260	Name: BROOKS, TERRY 521			

Offense:

Offense: **INTERFERENCE W/PUBLIC DUTIES**

Statute: 38.15(a)	Code: PC	Penalty: MB
Offense M.O.		
Type of Location: GOVERNMENT/PUBLIC BUILDINGS	Forced: No	
Point of Entry:	Offender Used: Not Applicable	
Method of Entry:	Bias Motivation: ANTI-NONE	
Family Violence: No	Weapons Involved:	
Offense Note:		

Victim:

Victim Type: SOCIETY/PUBLIC	Business: STATE OF TEXAS
	Address: 6400 EL VERDE
	LEON VALLEY, TX 78238
	Phone: () -

Victim Note:

Exhibit
B2
Offender:

Relationship of Victim to Offender: STRANGER	Address: 5701 WYOMING
--	-----------------------

LEON VALLEY POLICE DEPARTMENT**CFS #201803857****Incident #201803857**

Name: BROWN, MARK, DAVID	TUCSON, AZ 85757			
Race: W	Sex: M	Home Phone:	Work Phone:	
DOB: 07/14/1962	Offense Age: 55	Mobile Phone:		
Juvenile: N	Current Age: 56			
SSN:	Hgt: 6'07"	Wgt: 230	Skin Tone:	Face Hair:
LID:	Hair: BRN	Eyes: BRO	Resident:	Citizen:
DL#: B14355694	DL State: AZ	DL Type:		
License Number:	Year:		Make:	
License State:	Color:		Model:	
License Year:	VIN:		Style:	
Offender Note:				

Offense:Offense: **RESIST ARREST SEARCH OR TRANSPORT**

Statute: 38.03(a) Code: PC Penalty: MA

Offense M.O.

Type of Location: GOVERNMENT/PUBLIC BUILDINGS	Forced: No
Point of Entry:	Offender Used: Not Applicable
Method of Entry:	Bias Motivation: ANTI-NONE
Family Violence: No	Weapons Involved: PERSONAL WEAPONS
Offense Note:	

Victim:

Victim Type: LAW ENFORCEMENT OFFICER	Business:
Name: VASQUEZ #552,	Address: 6400 EL VERDE RD
Race: W	LEON VALLEY, TX 78238
DOB:	Home Phone: Work Phone: 2106843215
	Mobile Phone:
Injuries: NONE - - - -	
Victim Note:	

Offender:

Relationship of Victim to Offender: STRANGER	Address: 5701 WYOMING			
Name: BROWN, MARK, DAVID	TUCSON, AZ 85757			
Race: W	Home Phone:	Work Phone:		
DOB: 07/14/1962	Mobile Phone:			
Juvenile: N	Current Age: 56			
SSN:	Hgt: 6'07"	Wgt: 230	Skin Tone:	Face Hair:
LID:	Hair: BRN	Eyes: BRO	Resident:	Citizen:
DL#: B14355694	DL State: AZ	DL Type:		
License Number:	Year:		Make:	
License State:	Color:		Model:	
License Year:	VIN:		Style:	
Offender Note:				

LEON VALLEY POLICE DEPARTMENT

CFS #201803857

Incident #201803857

Property:

Quantity: 1	Type: EVIDENCE	Description: MONEY
Year:	Make / Brand:	Model:
Color:	VIN / Serial#:	Loss Value: \$0.00
Recovered Date:	Recovered Value:	Stored At:
Owner#:	NIC#:	
Recovered From:	Recovered Local: No	Tag/Control:
Owner:	Release Date:	Released To:

Property Note:

\$310.00

Property:

Quantity: 1	Type: EVIDENCE	Description: PURSES/HANDBAGS/WALLETS
Year:	Make / Brand:	Model:
Color:	VIN / Serial#:	Loss Value: \$0.00
Recovered Date:	Recovered Value: \$0.00	Stored At:
Owner#:	NIC#:	
Recovered From:	Recovered Local: No	Tag/Control:
Owner:	Release Date:	Released To:

Property Note:

WALLET

Property:

Quantity: 1	Type: EVIDENCE	Description: CREDIT/DEBIT CARDS
Year:	Make / Brand:	Model:
Color:	VIN / Serial#:	Loss Value: \$0.00
Recovered Date:	Recovered Value: \$0.00	Stored At:
Owner#:	NIC#:	
Recovered From:	Recovered Local: No	Tag/Control:
Owner:	Release Date:	Released To:

LEON VALLEY POLICE DEPARTMENT

CFS #201803857

Incident #201803857

Property Note:

3 MASTERCARDS
 3 VISA CARDS
 1 DISCOVER CARD
 1 AMERICAN EXPRESS

Property:

Quantity: 1 Type: **EVIDENCE** Description: **IDENTITY DOCUMENTS**

Year:	Make / Brand:	Model:
Color:	VIN / Serial#:	Loss Value: \$0.00
Recovered Date:	Recovered Value: \$0.00	Stored At:
Owner#:	NIC#:	
Recovered From:	Recovered Local: No	Tag/Control:
Owner:	Release Date:	Released To:

Property Note:

VA CARD
 ARIZONA DEPARTMENT HEALTH SERVICES
 ARIZONA MEDICAL MARIJUANA PROGRAM ID
 ARIZONA DL B14355694

Property:

Quantity: 1 Type: **EVIDENCE** Description: **AUTOMOBILES**

License Number: CFK5431	License State: AZ	License Year:
Year: 2018	Make / Brand: FORD	Model: TAU
Color: BRN	VIN / Serial#: 1FAHP2F84JG109664	Loss Value: \$0.00
Owner#:	NIC#:	
Recovered Date:	Recovered Value: \$0.00	Stored At:
Recovered From:	Recovered Local: No	Tag/Control:
Owner: HERTZ VEHICLES LLC,	Release Date:	Released To:

Property Note:

Property:

Quantity: 1 Type: **EVIDENCE** Description: **OTHER**

Year:	Make / Brand:	Model:
Color:	VIN / Serial#:	Loss Value: \$0.00
Recovered Date:	Recovered Value: \$0.00	Stored At:

LEON VALLEY POLICE DEPARTMENT

CFS #201803857

Incident #201803857

Owner#:

NIC#:

Recovered From:

Recovered Local: No

Tag/Control:

Owner: HERTZ VEHICLES LLC,

Release Date:

Released To:

Property Note:

3 charging adaptors
 1 multi plug outlet with 1 usb cord
 1080 fhd camera w 8 gb sd card
 ikross usb electronic stand

Property:Quantity: 2 Type: **EVIDENCE**Description: **RECORDINGS-AUDIO/VISUAL**

Year:	Make / Brand:	Model:
Color:	VIN / Serial#:	Loss Value: \$0.00
Recovered Date:	Recovered Value: \$0.00	Stored At:
Owner#:	NIC#:	
Recovered From:	Recovered Local: No	Tag/Control:
Owner: HERTZ VEHICLES LLC,	Release Date:	Released To:

Property Note:

1 BLACK TABLET

1 CELL PHONE

Involved:

Code: SUSPECT 1	Address: 11555 W CULEBRA 360		
Name: PADILLA, JESUS	SAN ANTONIO, TX 77906		
Race: W	Sex: M	Home Phone:	Work Phone:
DOB: 06/30/1990	Offense Age: 27	Current Age: 28	Mobile Phone:
DL#: 28082240	DL State: TX	Employer:	Occupation:

Arrest:

Arrest#: 201803857	Date Arrested: 06/14/2018	Time Arrested: 13:45	Cell No:	Date Released:
Name: BROWN, MARK, DAVID	Address: 5701 WYOMING			
Race: W	Sex: M	TUCSON, AZ 85757		
DOB: 07/14/1962	Arrest Age: 55	Home Phone:	Work Phone:	
Juvenile: N	Current Age: 56	Mobile Phone:	Caution:	
DL#: B14355694	DL State: AZ	DL Type:	Employer:	Occupation:

LEON VALLEY POLICE DEPARTMENT

CFS #201803857

Incident #201803857

Arrest Location: 6400 EL VERDE

City: LEON VALLEY

District: 3

Agency: LEON VALLEY POLICE DEPARTMENT

Arresting Officer: 1176 VASQUEZ #552

Booking Officer:

Transfer Officer:

Charge(s):**INTERFERENCE W/PUBLIC DUTIES**

Statute: 38.15(a)

Code: PC

Penalty: MB

Charge Note:

RESIST ARREST SEARCH OR TRANSPORT

Statute: 38.03(a)

Code: PC

Penalty: MA

Charge Note:

Arrest Narrative:

Narrative:

**R - Rene raynes
AP - Mark Brown
SP - Jesus Padilla**

During shift briefing at Leon Valley Police Department (6400 El Verde) on 06/14/2018 at 1345 hours, Leon Valley Municipal Court receptionist R announced over the intercom "we need officers to the front immediately!" Officer Yarbrough and I ran to the front Municipal Court Lobby to investigate and navigated thru the crowd due to court being in session. As I approached the front doors of the Municipal Court Lobby, I observed SP standing near the front steps outside of the Municipal court doors with a cell phone in hand. As I exited the building, I saw Detectives attempting to take into custody SP, while AP was standing in close proximity video recording SP's arrest. I then observed Detective J. Wells make contact with AP and repeatedly told him to put his hands behind his back. AP refused Detective Well's command and continued filming SP's arrest. Detective Wells then attempted to arrest AP, while still giving the commands to put his hands behind his back and to stop resisting. I then assisted Detective J. Wells in giving the same commands to AP, to put his hands behind his back and to stop resisting. AP then began to pull away his arms and used his body weight (6'7" 230 lbs) to resist being subdued and arrested by police officers. Officer Farias made the scene and managed to place AP on the ground with AP falling on top of Officer Farias. While on the ground, the AP continued to pull his arms away and place them underneath himself. As officers continued to arrest AP, AP began to violently kick and thrash his body weight forcibly to prevent himself from being arrested. Due to multiple officers struggling to subdue and arrest AP, and it was unknown if AP was in possession of any weapons, I used my electronic control

device (taser) and performed a drive stun on AP's back side of his body, lower abdomen. As the electronic control device (taser) stopped after five seconds, AP continued to resist with officers so I re-applied the electronic control device (taser) drive stun and AP complied. AP then stated he couldn't move, so Leon Valley EMS was called out and AP was placed in EMS unit accompanied by Officer Yarbrough. AP was then transported to University Hospital.

AP was arrested for Interference with Public Duties, due to him being ordered repeatedly by Det. J. Wells and officers to move back while SP was being arrested. AP continued to disregard officers' commands and interfered by video recording SP's arrest within a several feet of officers arresting SP, possibly resulting in injury to himself, SP or officers.

AP was also charged with resisting arrest due to him refusing to comply with officers' repeated commands, and by using his body weight in a thrashing manner to prevent arrest.

AP was given a criminal trespass warning to all Leon Valley Facilities thereof:

CITY OF LEON VALLEY MUNICIPAL COURT OFFICES AND POLICE DEPARTMENT : 6400 EL VERDE RD
CITY OF LEON VALLEY FIRE DEPARTMENT : 6300 EL VERDE RD
CITY OF LEON VALLEY LIBRARY : 6425 EVERE RD
CITY OF LEON VALLEY COMMUNITY : 6427 EVERE RD
CITY OF LEON VALLEY CONFERENCE CENTER : 6421 EVERE RD
CITY OF LEON VALLEY PUBLIC WORKS : 6429 EVERE RD
CITY OF LEON VALLEY PARK : 6440 EVERE
ALL LOCATIONS ARE IN LEON VALLEY TX 78238

Attached items placed in evidence locker as evidence

AP's vehicle was towed to 6429 Evers road for safe keeping from 6635 Bandera

Following property was given to me by Captain Saucedo in regards to the vehicle tow inventory:

3 charging adaptors
1 multi plug outlet with 1 usb cord
1080 fhd camera w 8 gb sd card
ikross usb electronic stand

see report for SP arrest 201803859

City of Leon Valley

Police Department Impound Facility

**6400 El Verde
Leon Valley, Texas 78238
(210) 684-3215 Fax: (210) 684-6988**

FIRST NOTICE

DATE: 06/18/2018

Last known registered owner: HERTZ VEHICLES LLC CUST#131938560

Address: 1711E. BUCKEYE RD, PHOENIX, AZ 85034-4202

Registered lien holder: BNY MELLON TRUST CO

Address: 26933 NORTHWESTERN HWY ST, SOUTHFIELD MI, 48033-4701

Impound Date: 06/14/2018 Tag: JVR0760 AZ

Make: FORD Model: TAURU Vin: 1FAH

The above item is being held at the Leon Valley Police Facility located at 6400 El Verde, Leon Valley, Texas Monday thru Friday between the hours of 8:00 AM

380 0000 6421 3777 and that covers the first 24
rate of \$20.00 per day
began accruing on 06/15

have the right to claim
notice on payment of
State of Texas Trans-

older to claim the item
right, title and interest
ction.

Impound Date: 06/14/2018		Tag: JVR0760 AZ
Make: FORD	Model: TAURU	Vin: 1FAHE
<p>The above item is being held at the Leon Valley Police Facility located at 6400 El Verde, Leon Valley, Texas Monday thru Friday between the hours of 8:00 AM</p> <p>that covers the first 24 hours and thereafter at a rate of \$20.00 per day, plus any additional fees and costs, including attorney's fees, court costs, and other expenses, which may be incurred by the owner in connection with the recovery, storage, and return of the vehicle.</p> <p>Accruing on 06/14/2018</p>		
<p>3811, July 2015 PSN 7530-02-000-9053</p> <p>7017 3380 0000 6421 3777</p> <p>7017 3380 0000 6421 3777</p>		<p>RECEIVED JUN 22 2018 FBI - HOUSTON</p> <p>RECEIVED JUN 22 2018 FBI - HOUSTON</p>
<p>have the right to claim notice on payment of State of Texas Transportation</p> <p>older to claim the item, title and interest in the item.</p>		
<p>For delivery information, visit our website at www.usps.com.</p> <p>OFFICIAL USE</p> <p>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only</p> <p>Certified Mail Fee \$ _____</p> <p>Extra Services & Fees (check box and fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (handcopy) \$ _____</p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p> <p>Postage \$ _____</p> <p>Total Postage and Fees \$ _____</p> <p>Sent To <i>Heath Vehicle LLC, Lutz, 13438560, 1711 E. Buckeye Rd, Phoenix, AZ, 85034-4202</i></p> <p>Street and Apt. No., or P.O. Box No. _____ City, State, Zip+4: <i>Phoenix, AZ, 85034-4202</i></p>		
<p>SENDER: COMPLETE THIS SECTION</p> <p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <i>Heath Vehicle LLC, Lutz, 13438560, 1711 E. Buckeye Rd, Phoenix, AZ, 85034-4202</i></p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>Delivery Address: <i>Heath Vehicle LLC, Lutz, 13438560, 1711 E. Buckeye Rd, Phoenix, AZ, 85034-4202</i></p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail® Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Domestic Return Receipt</p> <p><input type="checkbox"/> Domestic Return Receipt Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>		

Incident Report

LEON VALLEY POLICE DEPARTMENT

CFS #201803857

Incident #201803857

Administrative:

Date Reported: 6/14/2018 CFS#: 201803857
 Location Address: **6400 EL VERDE RD**
 City: LEON VALLEY State: TX Zip: 78238 District: 3 Beat: Grid:
 Location: **LEON VALLEY POLICE DEPARTMENT**
 Occurrence From: 06/14/2018 @ 13:45 To: @ Day of Week: THU
 Status Date: 6/14/2018 Status: CLEARED BY ADULT ARREST
 Type: 48 Description: OTHER OFFENSE / INCIDENT

Reportee: RAYNES, RENE	Address: 6400 EL VERDE	
Race: W	Sex: F	LEON VALLEY, TX 78238
DOB:	Offense Age:	Home Phone: (210)684-1391 Work Phone:
	Current Age:	Mobile Phone:

Source of Call:	Time Received:	Time Dispatched:	Time Arrived:	Time Cleared:
Reporting Officer 1 ID: 1176	Name: VASQUEZ #552			
Reporting Officer 2 ID:	Name:			
Investigating Officer ID: 1260	Name: BROOKS, TERRY 521			
Entered By: 1176	Entered Date: 6/14/2018			

Offense:

Offense: **INTERFERENCE W/PUBLIC DUTIES**
 Statute: 38.15(a) Code: PC Penalty: MB

Offense M.O.

Type of Location: GOVERNMENT/PUBLIC BUILDINGS	Forced: No
Point of Entry:	Offender Used: Not Applicable
Method of Entry:	Bias Motivation: ANTI-NONE
Family Violence: No	Weapons Involved:
Entered By: 1176	Entered Date: 6/14/2018

Offense Note:

Victim:

Victim Type: SOCIETY/PUBLIC	Business: STATE OF TEXAS
-----------------------------	--------------------------

Name: Address: 6400 EL VERDE
Race: Sex: LEON VALLEY, TX 78238
DOB: Offense Age: Home Phone: Work Phone:
Current Age: Mobile Phone:

Injuries:

Entered By: 1176 Entered Date: 6/14/2018

Victim Note:

Offender:

Relationship of Victim to Offender: STRANGER Address: 5701 WYOMING
 Name: BROWN, MARK, DAVID TUCSON, AZ 85757
Race: W Sex: M Home Phone: Work Phone:
DOB: 7/14/1962 Offense Age: 55 Mobile Phone:
Juvenile: N Current Age: 56

SSN: Hgt: 6'07" Wgt: 230 Skin Tone: Face Hair:
LID: Hair: BRN Eyes: BRO Resident: Citizen:
DL#: B14355694 DL State: AZ DL Type:

License Number: Year: Make:
License State: Color: Model:
License Year: VIN: Style:

Entered By: 1176 Entered Date: 6/14/2018

Offender Note:

Offense:

Offense: RESIST ARREST SEARCH OR TRANSPORT
Statute: 38.03(a) Code: PC Penalty: MA

Offense M.O.

Type of Location: GOVERNMENT/PUBLIC BUILDINGS Forced: No
Point of Entry: Offender Used: Not Applicable
Method of Entry: Bias Motivation: ANTI-NONE
Family Violence: No Weapons Involved: PERSONAL WEAPONS
Entered By: 1176 Entered Date: 6/14/2018
Offense Note:

Victim:

Victim Type: LAW ENFORCEMENT OFFICER Business:
 Name: VASQUEZ #552, Address: 6400 EL VERDE RD
Race: W Sex: M LEON VALLEY, TX 78238
DOB: Offense Age: BB Home Phone: Work Phone: 2106843215
Current Age: Mobile Phone:

Injuries: NONE - - - -

Entered By: 1176 Entered Date: 6/14/2018

Victim Note:

Offender:

Relationship of Victim to Offender: STRANGER

Name: **BROWN, MARK, DAVID**

Address: 5701 WYOMING

TUCSON, AZ 85757

Race: W

Sex: M

Home Phone:

Work Phone:

DOB: 7/14/1962

Offense Age: 55

Mobile Phone:

Juvenile: N

Current Age: 56

SSN:
LID:
DL#: B14355694

Hgt: 6'07"

Wgt: 230

Skin Tone:

Face Hair:

Hair: BRN

Eyes: BRO

Resident:

Citizen:

DL State: AZ

DL Type:

License Number:

Year:

Make:

License State:

Color:

Model:

License Year:

VIN:

Style:

Entered By: 1176

Entered Date: 6/14/2018

Offender Note:

Property:

Quantity	Type	Description	Brand / Model / Color	VIN / Serial#	Loss Value	Recovered
1	EVIDENCE	MONEY			0.00	
Entered By: 1176	Entered Date: 6/14/2018		/ /			
Property Note:						
\$310.00						
1	EVIDENCE	PURSES/HANDBAGS/WALLETS			0.00	0.00
Entered By: 1176	Entered Date: 6/14/2018		/ /			
Property Note:						
WALLET						
1	EVIDENCE	CREDIT/DEBIT CARDS			0.00	0.00
Entered By: 1176	Entered Date: 6/14/2018		/ /			
Property Note:						
3 MASTERCARDS						
3 VISA CARDS						
1 DISCOVER CARD						
1 AMERICAN EXPRESS						
1	EVIDENCE	IDENTITY DOCUMENTS			0.00	0.00
Entered By: 1176	Entered Date: 6/14/2018		/ /			
Property Note:						
VA CARD						
ARIZONA DEPARTMENT HEALTH SERVICES						
ARIZONA MEDICAL MARIJUANA PROGRAM ID						
ARIZONA DL B14355694						
1	EVIDENCE	AUTOMOBILES			0.00	0.00
Entered By: 1176	Entered Date: 6/14/2018		FORD / TAU / BRN		1FAHP2F84JG109664	
1	EVIDENCE	OTHER			0.00	0.00
Entered By: 1176	Entered Date: 6/14/2018		/ /			
Property Note:						
3 charging adaptors						
1 multi plug outlet with 1 usb cord						
1080 fhd camera w 8 gb sd card						
ikross usb electronic stand						

2 EVIDENCE

RECORDINGS-AUDIO/VISUAL

0.00 0.00

Entered By: 1176

Entered Date: 6/20/2018

/ /

Property Note:

1 BLACK TABLET

1 CELL PHONE

Stolen: \$0.00

Recovered: \$0.00

Damaged: \$0.00

Involved:

Code: SUSPECT 1

Address: 11555 W CULEBRA 360

Name: PADILLA, JESUS

SAN ANTONIO, TX 77906

Race: W

Sex: M

Home Phone:

Work Phone:

DOB: 6/30/1990

Offense Age: 27

Current Age: 28

Mobile Phone:

DL#: 28082240

DL State: TX

Employer:

Occupation:

Entered By: 1176

Entered Date: 6/14/2018

Arrest:

Arrest#: 201803857

Date Arrested: 6/14/2018

Time Arrested: 13:45

Cell No:

Date Released:



Name: BROWN, MARK, DAVID

Address: 5701 WYOMING

Race: W

Sex: M

TUCSON, AZ 85757

DOB: 7/14/1962

Arrest Age: 55

Home Phone:

Work Phone:

Juvenile: N

Current Age: 56

Mobile Phone:

Caution:

DL#: B14355694

DL State: AZ

DL Type:

Employer:

Occupation:

Arrest Location: 6400 EL VERDE

City: LEON VALLEY

District: 3

Agency: LEON VALLEY POLICE DEPARTMENT

Arresting Officer: 1176

VASQUEZ #552

Booking Officer:

Transfer Officer:

Entered By: 1176

Entered Date: 6/14/2018

Charge(s):

INTERFERENCE W/PUBLIC DUTIES

Statute: 38.15(a)

Code: PC

Penalty: MB

Charge Note:

RESIST ARREST SEARCH OR TRANSPORT

Statute: 38.03(a)

Code: PC

Penalty: MA

Charge Note:

Arrest Narrative:

Narrative:

**R - Rene raynes
AP - Mark Brown
SP - Jesus Padilla**

During shift briefing at Leon Valley Police Department (6400 El Verde) on 06/14/2018 at 1345 hours, Leon Valley Municipal Court receptionist R announced over the intercom "we need officers to the front immediately!" Officer Yarbrough and I ran to the front Municipal Court Lobby to investigate and navigated thru the crowd due to court being in session. As I approached the front doors of the Municipal Court Lobby, I observed SP standing near the front steps outside of the Municipal court doors with a cell phone in hand. As I exited the building, I saw Detectives attempting to take into custody SP, while AP was standing in close proximity video recording SP's arrest. I then observed Detective J. Wells make contact with AP and repeatedly told him to put his hands behind his back. AP refused Detective Well's command and continued filming SP's arrest. Detective Wells then attempted to arrest AP, while still giving the commands to put his hands behind his back and to stop resisting. I then assisted Detective J. Wells in giving the same commands to AP, to put his hands behind his back and to stop resisting. AP then began to pull away his arms and used his body weight (6'7" 230 lbs) to resist being subdued and arrested by police officers. Officer Farias made the scene and managed to place AP on the ground with AP falling on top of Officer Farias. While on the ground, the AP continued to pull his arms away and place them underneath himself. As officers continued to arrest AP, AP began to violently kick and thrash his body weight forcibly to prevent himself from being arrested. Due to multiple officers struggling to subdue and arrest AP, and it was unknown if AP was in possession of any weapons, I used my electronic control device (taser) and performed a drive stun on AP's back side of his body, lower abdomen. As the electronic control device (taser) stopped after five seconds, AP continued to resist with officers so I re-applied the electronic control device (taser) drive stun and AP complied. AP then stated he couldn't move, so Leon Valley EMS was called out and AP was placed in EMS unit accompanied by Officer Yarbrough. AP was then transported to University Hospital.

AP was arrested for Interference with Public Duties, due to him being ordered repeatedly by Det. J. Wells and officers to move back while SP was being arrested. AP continued to disregard officers' commands and interfered by video recording SP's arrest within a several feet of officers arresting SP, possibly resulting in injury to himself, SP or officers.

AP was also charged with resisting arrest due to him refusing to comply with officers' repeated commands, and by using his body weight in a thrashing manner to prevent arrest.

AP was given a criminal trespass warning to all Leon Valley Facilities thereof:

CITY OF LEON VALLEY MUNICIPAL COURT OFFICES AND POLICE DEPARTMENT : 6400 EL VERDE RD

**CITY OF LEON VALLEY FIRE DEPARTMENT : 6300 EL VERDE RD
 CITY OF LEON VALLEY LIBRARY : 6425 EVERS RD
 CITY OF LEON VALLEY COMMUNITY : 6427 EVERS RD
 CITY OF LEON VALLEY CONFERENCE CENTER : 6421 EVERS RD
 CITY OF LEON VALLEY PUBLIC WORKS : 6429 EVERS RD
 CITY OF LEON VALLEY PARK : 6440 EVERS
 ALL LOCATIONS ARE IN LEON VALLEY TX 78238**

Attached items placed in evidence locker as evidence

AP's vehicle was towed to 6429 Evers road for safe keeping from 6635 Bandera

Following property was given to me by Captain Saucedo in regards to the vehicle tow inventory:

3 charging adaptors

1 multi plug outlet with 1 usb cord

1080 fhd camera w 8 gb sd card

ikross usb electronic stand

see report for SP arrest 201803859

Supplement: R. Parra 520

On 06/14/2018, I was off duty departing the Leon Valley Police Department. As I was turning east bound on El Verde Rd, I observed SP in front of the main entrance of 6400 El Verde Rd in which I knew Municipal Court was in session. I also knew SP to have an active Criminal Trespass Warning for the Leon Valley Municipal Court building. I observed SP then step onto the Leon Valley Municipal Court building property. As I was exiting my personal vehicle to make contact, Sgt Urdiales then placed SP in custody. I then assisted Officer Vasquez, Sgt Burleson, Detective Wells, and Cpl Farias in restraining AP, who was resisting arrest. After Officer Vasquez performed a drive stun on AP with his Taser, we were able to place him into custody.

Officer's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

Supplement: Cpl. L. Farias 534

On 06-14-2018 at approximately 1345 hrs, I was contacted via cell phone by Officer R. Parra. R. Parra, who had just ended his shift and was in his personal vehicle and leaving the police station. Officer R. Parra advised me that he observed 'Jesus Padilla' (SP) outside of our City Hall and Police Department. SP is well known for having a criminal trespass warning issued to him for not being allowed on any Leon Valley city property. He has had multiple arrest from the Leon Valley Police Department for criminal trespass and harassment of a police officer.

I made my way to the front of City Hall to assist Officer Parra, where I observed Officer J. Vasquez,

Officer C. Yarbrough, Sgt. Urdiales and Officer R. Parra attempting to restrain a white male later identified as AP. I clearly heard officers give instructions to AP to quit resisting multiple times, while they were attempting to place his hands behind his back so they can arrest him. After repeated commands were not followed, I grabbed AP to assist other officers and placed him on the ground in an attempt to arrest him. AP collapsed on top of me and Officer J. Vasquez warned AP several times that he was going to deploy his taser in order to restrain him. After AP failed to comply with officers' commands, Officer J. Vasquez conducted a drive stun to his lower back area. This Taser deployment gave Officers the opportunity to place AP in handcuffs, without further incident.

AP complained of injuries, so Leon Valley EMS was called to the scene. They evaluated him and transported him to the University Hospital. Officer C. Yarbrough accompanied AP. No further action by this officer.

Officer's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

Supplement: C.Yarbrough #565

On Thursday June 14, 2018 at 1345 Hours, I responded to the front of 6400 El Verde for an assistance call, I observed Detective Wells struggling with AP1 as I exited the building. AP1 began pulling aware and resisting the application of hand cuffs as other officers arrived on the scene. AP1 was then assisted to the ground, while on the ground AP1 refuse to comply with the application of the handcuffs again. Officer Vasquez # 552 then dry stunned AP1 on the left side of AP1's lower back twice. Due to AP1 not removing his left hand from under his body. I was then able to control AP1's left arm and reposition it behind his back as I yelled, "stop resisting!" AP1 complied with the orders and I was able to apply the left handcuff onto AP1 behind his back. AP1 was then turned onto his right side, but turned himself on to his back. I then requested EMS to our location for an assessment at the scene. Prior to the arrival of EMS AP1 was assisted to his feet but refused to stand under his own power.

AP1 complained of pain in his legs and stated he could not stand as he kicked his legs. EMS arrived and AP1 was assisted onto a gurney and secured in the ambulance. I stayed with AP1 for security purposes in the ambulance and the hospital. While in the ambulance AP1 refused to answer any questions from the paramedic crew. AP1 was then transported to University Hospital.

While at University Hospital, I read AP1 a criminal trespass warning advising the location and addresses of the property AP1 was prohibited from in The City of Leon Valley, Texas AP1 stated he would die and he didn't know where the properties were located.

Officer's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

Supplement: K Burleson #517

On Thursday, June 14, 2018 at shift change I was conducting roll call when R called over the intercom that she needed officers up front immediately. Officer Vasquez, Officer Yarbrough and I proceeded into

the front lobby of the Municipal Court where I observed officers outside attempting to detain two parties, SP and AP. I could see officers telling them to put their hands behind their backs. Detective King, Detective Brooks and Sgt. Urdiales were observed detaining SP but already had him under control. Detective Wells and Officer Vasquez were attempting to detain AP but AP was pulling away and appeared to be trying to break free from their hold. I saw Officer Parra emerge from the left in an attempt to help take AP into custody. AP continued to yell and refused to comply with requests to stop resisting as he pushed and pulled away from officers attempting to detain him. I put my hand on his left arm in an attempt to assist, but then saw Cpl. Farias jump in from the front taking AP to the ground. AP fell on top of Officer Farias. Officers kept giving verbal commands to stop resisting as we attempted to gain control of AP. AP kept jerking back and forth in an attempt to get free. I heard Officer Vasquez advise of Taser deployment. I got into position to place handcuffs on AP. I was able to get him handcuffed. I then stood by with Officers until EMS arrived to evaluate AP. AP was evaluated by Paramedics J. Valadez and R. Flores. for minor scrapes to his arm. He was then transported to University Hospital for further evaluation. No further action.

Officer's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

Supplement: J. WELLS #548



LEON VALLEY POLICE DEPARTMENT SUPPLEMENT REPORT LVPD FORM NO. 65 [3-67] DATE:

06/14/2018

MESSAGE HERE: [TYPE OR PRINT ONLY - USE INK]

ON 06/14/2018 AT APPROXIMATELY 1400 HRS, I WAS ON DUTY AND SITTING AT MY DESK INSIDE THE POLICE DEPARTMENT, WHEN I HEARD A REQUEST FOR OFFICERS IN THE LEON VALLEY CITY HALL LOBBY. I IMMEDIATELY PROCEEDED TO THAT LOCATION AND WAS DIRECTED TO THE FRONT ENTRANCE AREA, JUST OUTSIDE THE FRONT DOOR. I OBSERVED A SUBJECT KNOWN TO ME AS JESUS PADILLA DOB-06/30/1990 BEING PLACED UNDER ARREST BY SGT. J. URDIALES. JESUS PADILLA WAS RECENTLY ARRESTED FOR CRIMINAL TRESPASSING ON CITY PROPERTY AND WAS ISSUED A "NO TRESPASS" WARNING BY THE CITY OF LEON VALLEY. JESUS PEDILLA WAS NOW BEING ARRESTED BY SGT URDIALES FOR VIOLATING THIS WARNING AND TRESPASSING AGAIN. I THEN OBSERVED A WHITE ADULT MALE HOLDING A PHONE AND IPAD, WHO APPEARED TO BE VIDEOING MOVING TOWARDS THE LOCATION WHERE THE ARREST WAS TAKING PLACE. WHEN I APPROACHED THIS WHITE ADULT MALE, HE WAS WITHIN FIVE FEET OF SGT J. URDIALES AND JESUS PADILLA. I IMMEDIATELY ADVISED THIS WHITE ADULT MALE THAT "HE NEEDED TO STAND ACROSS THE STREET RIGHT NOW, YOU NEED TO STAND ACROSS THE STREET" I WANTED TO DISTANCE HIM FROM THE ARREST SIGHT FOR HIS OWN SAFETY AND THE SAFETY OF OTHERS. THE WHITE ADULT MALE AFTER BEING TOLD SEVERAL TIMES TO MOVE BACK REFUSED TO MOVE AT WHICH TIME I GRABBED HIS RIGHT ARM AND ATTEMPTED TO DIRECT HIM TO BACK UP. THE

ADULT MALE, BEGAN RESISTING AND PULLING AWAY FROM ME. AT THIS TIME OTHER UNIFORMED OFFICERS ARRIVED AND ASSISTED AND THE ADULT MALE LATER IDENTIFIED AS MARK BROWN 07/14/1966 WAS PLACED UNDER ARREST FOR INTERFERENCE. I WANT TO ADD THAT I WAS DRESSED IN POLICE FATIGUES PANTS AND SHIRT, DISPLAYING MY POLICE BADGE, DUTY WEAPON AND POLICE CREDENTIALS. IT WAS APPARENT THIS WHITE ADULT MALE KNEW I WAS A POLICE OFFICER. THE ADULT MALE WAS LATER IDENTIFIED AS MARK BROWN 07/14/1966, WAS PLACED UNDER ARREST FOR INTERFERENCE WITH THE DUTIES OF A PUBLIC SERVANT.

JIM WELLS #548
LEON VALLEY POLICE DEPARTMENT

Officer's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

Supplement: 6

Det Brooks, King and Munoz all assigned to case

Officer's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

Supplement: CID Supplement Brooks #521

06/14/18

On 06/14/18 I was inside the police department building at 6400 El Verde Rd when I heard a request over the phone system for officers to come to the front lobby immediately. I ran to the front and noticed Sgt Urdiales walking out the front lobby doors towards the front entrance area of the police department. There were numerous citizens in the lobby area due to court being in session. When I reached the front door, I observed a tall white male, later identified as Mark David Brown, holding both arms in the air with recording devices in each hand. At the bottom of the steps I observed a hispanic male, later identified as Jesus Padilla pointing his camera in the direction of the lobby entrance. Sgt Urdiales went straight for Padilla and advised him he was under arrest. Padilla did not immediately comply so I grabbed his right arm. While Sgt Urdiales was placing Padilla in handcuffs, I heard a commotion immediately behind us. I looked and observed Det J. Wells saying something to Brown, but I could not make it out. Brown still had both hands in the air with his camera devices. I turned my attention back to Padilla to assist Sgt Urdiales in placing Padilla in handcuffs. That is when I heard the commotion with Brown escalate. When I turned around I noticed several officers attempting to place Brown in custody. I heard officers giving Brown commands to stop resisting and to put his hands behind his back, but he was not complying. Officers were eventually able to get Brown on the ground where he continued to resist with his arms and flailing his legs. I was able to grab his legs and hold them until he was placed in handcuffs and stopped flailing his legs. Both were provided medical care at the scene.

During the altercation I was handed a tablet and cell phone that I learned belonged to Brown. I gave these devices to Ofc J. Vasquez and he placed them into evidence.

After both subjects were placed into custody, I was informed that Padilla was charged with Criminal Trespass

due to a notice trespass that had previously been issued to him for 6400 El Verde Rd. Brown was charged with Interference with Public Duties due to him not complying with officers commands while Padilla was being placed under arrest.

I was advised there was a witness to the incident named Scott Beal. After speaking with Beal, he agreed to provide a statement to what he saw. I voluntarily took a statement from Beal at the Leon Valley Police Department.

I was informed later in the day the vehicles that Padilla and Brown were located and had been impounded. Sgt Gonzales advised Chief Salvaggio tasked myself and Sgt Gonzales with inventorying the vehicles. The vehicles had been towed to the Leon Valley Police Departments Impound Lot by Chief Salvaggio. Myself and Sgt Gonzales inventoried Padilla's vehicle and placed any valuable items into property for safe keeping. I recorded the inventory on my body camera. Brown's vehicle was not inventoried due to it being locked and no keys available. I later learned Ofcs had inventoried the vehicle prior to it being towed to the Leon Valley Impoundt Lot.

Inv T. Brooks #521

Officer's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

Reporting Officer Signature:

Officer's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____